

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Public Health Service

Food and Drug Administration  
Rockville MD 20857**Re: Differin Topical Gel (Re. 34,440)  
Docket No. 96E-0362**

Stephen G. Kunin  
Deputy Assistant Commissioner for  
Patent Policy and Projects  
Office of the Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Crystal Park Building 2, Suite 919  
Washington, DC 20231

**RECEIVED**

SEP 22 1998

**PATENT EXTENSION  
A/C PATENTS**

Dear Mr. Kunin:

This is in regard to the patent term extension application for U.S. Patent No. Re. 34,440 filed by Centre International de Recherches Dermatologiques ("CIRD") under 35 U.S.C. § 156. The patent claims the human drug product Differin Topical Gel (Re. 34,440) (adapalene), New Drug Application NDA 20-380.

In the February 5, 1997, issue of the Federal Register (62 Fed. Reg. 6262), the Food and Drug Administration published its determination of this product's regulatory review period, as required under 35 U.S.C. § 156(d)(2)(A). The notice provided that on or before , 180 days after the publication of the determination, any interested person could file a petition with FDA under 35 U.S.C. § 156(d)(2)(B)(i) for a determination of whether the patent term extension applicant acted with due diligence during the regulatory review period.

The 180-day period for filing a due diligence petition pursuant to this notice has expired and FDA has received no such petition. Therefore, FDA considers the regulatory review period determination to be final.

Please let me know if we can provide further assistance.

Sincerely yours,

Ronald L. Wilson, Director  
Health Assessment Policy Staff  
Office of Health Affairs

cc: Norman H. Stepno  
Burns, Doane, Swecker & Mathis, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

ASSISTANT  
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**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Public Health Service  
Food and Drug Administration

**Memorandum**

Date:

From: Brian J. Malkin, Associate Director for Patents and Hearings  
Health Assessment Policy Staff (HFY-20)

Subject: Patent Term Restoration Application  
for Differin Topical Gel (Re. 34,440)

To: Dockets Management (HFA-305)

Attached is a letter to the Patent Term Office for the above mentioned drug under the Docket Number **96E-0362** stating that this particular patent is eligible for regulatory review. The Patent Number is **Re. 34,440**. Please place this recent correspondence in the appropriate file.

If you have any questions, please contact me at 827-6620. Thank you for your assistance.

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ASSISTANT SECRETARY  
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